



1350 Norris Road
Bakersfield, California 93308-2231

Via Email only: 74712-31136197@requests.muckrock.com

July 1, 2019

Samuel Sinyangwe
MuckRock News
DEPT MR 74698
411A Highland Ave
Somerville, MA 02144-2516

Re: California Public Records Act Request

Dear Mr. Sinyangwe:

The Kern County Sheriff's Office ("KCSO") is in receipt of your June 6, 2019, request under the California Public Records Act, as follows:

1. The total number of sheriff's deputy use of force incidents broken down by type of force used, between 2013 – 2018 (separated by year).
2. The total number of people that deputies used force against, between 2013-2018 (separated by year).
3. The total number of use of force complaints reported between 2013-2018 (separated by year).
4. The total number of use of force complaints sustained between 2013-2018 (separated by year).
5. The policy manual of the sheriff's department.
6. The current union contract between the city and any sheriff's deputy/police officer unions.

Response to Nos. 1, 2 and 3: Please see the attached report.

Response to No. 4: The KCSO does not have a report for the number of "...use of force complaints sustained..." Our system does not have a mechanism for separating out "use of force complaints sustained" from other allegations that may have been included in the cases. The only way to determine the number of "use of force complaints sustained" would be to perform a hand search of each file and compile the pertinent information.

The CPRA does not require public agencies to create new records. "It is well established under California law . . . that, while the CPRA requires public agencies to provide access to their existing records, it does not require them to create new records to satisfy a request." (See *Sander v. State Bar of California* (2018) 26 Cal.App.5th 651, 665, citing *Fredericks v. Superior Court* (2015) 233 Cal.App.4th 209, 223-224.) Put another way, the CPRA requires public agencies to provide access to (or copies of) existing and identifiable public records in their possession. "Except with respect to public records exempt from disclosure by express provisions of law, each state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication or a statutory fee if applicable." (Cal. Gov't Code § 6253, subd. (b).)

Due to limited staffing and the number of the individual records, for the KCSO to perform this exercise would place an undue burden on KCSO resources that is not required by the CPRA. "Under applicable California law, even a focused, specific request, when it would require an agency to search volumes of documents or to produce a large volume of material may be objectional as "unduly burdensome." (*California First Amendment Coalition v. Superior Court* (1998) 67 Cal.App.4th 159, 166; citing *American Civil Liberties Union Foundation v. Deukmejian* (1982) 32 Cal.3d 440.)

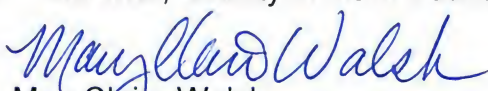
Response to No. 5: The KCSO will provide you a copy of the Department Policies and Procedures Manual under separate reported cover in the next several weeks.

Response to No. 6: The current union contract between the County of Kern and deputies can be found on the Kern County Human Resources website: <https://www.kerncounty.com/hr/labor>

If you have any questions please feel free to contact me at 661-391-7518 or email: walshm@kernsheriff.org

Sincerely,

DONNY YOUNGBLOOD,
Sheriff – Coroner, County of Kern County

By: 
MaryClaire Walsh
Civil Litigation Coordinator

Force by assignment of involved officers

Jan 01, 2013 - Dec 31, 2013

| Divisions | Type of force | Stat Count |
|--|-----------------------|------------|
| Community Services Division | | |
| | Control Hold | 2 |
| | Hands | 3 |
| | Taser | 1 |
| | Verbal | 2 |
| Downtown Services Division | | |
| | 37/40MM Impact Rounds | 1 |
| | Control Hold | 303 |
| | Feet | 14 |
| | Hands | 204 |
| | Other object | 8 |
| | Pepper Spray | 4 |
| | Restraint Chair | 14 |
| | Taser | 21 |
| | Verbal | 225 |
| General Investigations Division | | |
| | Control Hold | 3 |
| | Verbal | 1 |
| Patrol Division | | |
| | Baton | 40 |
| | Carotid Restraint | 2 |
| | CN/CS Gas | 2 |
| | Collapsible Baton | 11 |
| | Control Hold | 282 |
| | Feet | 22 |
| | Firearm | 5 |
| | Hands | 218 |
| | K-9 | 24 |
| | Other object | 15 |
| | Pepper Spray | 49 |
| | Taser | 38 |
| | Vehicle | 2 |

| | |
|--|-----|
| Verbal | 365 |
| Personnel Division | |
| Firearm | 1 |
| Hands | 1 |
| Taser | 1 |
| Verbal | 1 |
| Special Investigations Division | |
| 37/40MM Impact Rounds | 1 |
| Baton | 4 |
| Control Hold | 8 |
| Feet | 3 |
| Hands | 14 |
| Pepper Spray | 4 |
| Vehicle | 1 |
| Verbal | 19 |
| Substations Division | |
| Control Hold | 2 |
| Hands | 1 |
| Training Division | |
| Hands | 1 |
| Volunteer Services Division | |
| Control Hold | 1 |
| Hands | 1 |

Report name: Uses-of-force by assignment of involved officer x type of force 5.0

Report run on: Jun 24, 2019 at 09:06 by ADMINISTRATIVE COORD. Amy Maxwell

Force by assignment of involved officers

Jan 01, 2014 - Dec 31, 2014

| Divisions | Type of force | Stat Count |
|--|-------------------|------------|
| Community Services Division | | |
| | Control Hold | 2 |
| | Verbal | 2 |
| Downtown Services Division | | |
| | Baton | 2 |
| | Carotid Restraint | 1 |
| | Control Hold | 402 |
| | Feet | 32 |
| | Hands | 252 |
| | Other object | 10 |
| | Pepper Ball | 1 |
| | Pepper Spray | 24 |
| | Restraint Chair | 37 |
| | Stun Shield | 2 |
| | Taser | 25 |
| | Verbal | 322 |
| General Investigations Division | | |
| | Hands | 1 |
| | Verbal | 1 |
| Patrol Division | | |
| | Baton | 17 |
| | Carotid Restraint | 2 |
| | CN/CS Gas | 2 |
| | Collapsible Baton | 5 |
| | Control Hold | 267 |
| | Feet | 13 |
| | Firearm | 3 |
| | Hands | 182 |
| | K-9 | 8 |
| | Other object | 10 |
| | Pepper Ball | 1 |
| | Pepper Spray | 52 |
| | Taser | 37 |

| | |
|---------|-----|
| Vehicle | 2 |
| Verbal | 279 |

Special Investigations Division

| | |
|-------------------|---|
| Baton | 1 |
| Collapsible Baton | 1 |
| Control Hold | 9 |
| Feet | 6 |
| Firearm | 3 |
| Hands | 8 |
| Taser | 2 |
| Verbal | 7 |

Substations Division

| | |
|--------------|----|
| Control Hold | 10 |
| Hands | 16 |
| Other object | 1 |
| Pepper Spray | 3 |
| Taser | 4 |
| Verbal | 11 |

Training Division

| | |
|--------------|---|
| Control Hold | 1 |
| Feet | 1 |
| Hands | 1 |
| Verbal | 1 |

WATCH LIEUTENANT SECTION

| | |
|-------|---|
| Taser | 1 |
|-------|---|

Report name: Uses-of-force by assignment of involved officer x type of force 5.0

Report run on: Jun 24, 2019 at 09:08 by ADMINISTRATIVE COORD. Amy Maxwell

Force by assignment of involved officers

Jan 01, 2015 - Dec 31, 2015

| Divisions | Type of force | Stat Count |
|--|-------------------|------------|
| Downtown Services Division | | |
| | Carotid Restraint | 2 |
| | CN/CS Gas | 1 |
| | Collapsible Baton | 2 |
| | Control Hold | 419 |
| | Feet | 28 |
| | Firearm | 1 |
| | Hands | 249 |
| | Other object | 20 |
| | Pepper Ball | 3 |
| | Pepper Spray | 14 |
| | Restraint Chair | 58 |
| | Stun Shield | 5 |
| | Taser | 20 |
| | Vehicle | 1 |
| | Verbal | 346 |
| General Investigations Division | | |
| | Control Hold | 4 |
| | Hands | 1 |
| | Verbal | 1 |
| Patrol Division | | |
| | Baton | 23 |
| | Collapsible Baton | 10 |
| | Control Hold | 120 |
| | Feet | 6 |
| | Firearm | 2 |
| | Hands | 64 |
| | K-9 | 17 |
| | Other object | 6 |
| | Pepper Spray | 18 |
| | Taser | 36 |
| | Vehicle | 1 |
| | Verbal | 126 |
| Personnel Division | | |

| | |
|--------------|---|
| Control Hold | 2 |
| Taser | 3 |
| Verbal | 1 |

Special Investigations Division

| | |
|-----------------------|----|
| 37/40MM Impact Rounds | 1 |
| Control Hold | 10 |
| Hands | 12 |
| Verbal | 12 |

Substations Division

| | |
|-------------------|-----|
| Baton | 17 |
| Carotid Restraint | 1 |
| Collapsible Baton | 1 |
| Control Hold | 142 |
| Feet | 11 |
| Firearm | 1 |
| Hands | 100 |
| K-9 | 1 |
| Other object | 6 |
| Pepper Spray | 20 |
| Taser | 38 |
| Vehicle | 2 |
| Verbal | 127 |

Support Services Division

| | |
|--------------|---|
| Control Hold | 2 |
| Verbal | 1 |

Report name: Uses-of-force by assignment of involved officer x type of force 5.0

Report run on: Jun 24, 2019 at 09:09 by ADMINISTRATIVE COORD. Amy Maxwell

Force by assignment of involved officers

Jan 01, 2016 - Dec 31, 2016

| Divisions | Type of force | Stat Count |
|--|-------------------|------------|
| Downtown Services Division | | |
| | Baton | 6 |
| | Carotid Restraint | 3 |
| | Control Hold | 466 |
| | Feet | 29 |
| | Hands | 237 |
| | Other object | 30 |
| | Pepper Ball | 1 |
| | Pepper Spray | 6 |
| | Restraint Chair | 67 |
| | Taser | 28 |
| | Vehicle | 1 |
| | Verbal | 298 |
| General Investigations Division | | |
| | Control Hold | 2 |
| | Verbal | 1 |
| Patrol Division | | |
| | Baton | 14 |
| | Carotid Restraint | 1 |
| | Collapsible Baton | 1 |
| | Control Hold | 83 |
| | Feet | 3 |
| | Firearm | 2 |
| | Hands | 56 |
| | K-9 | 18 |
| | Other object | 1 |
| | Pepper Spray | 15 |
| | Taser | 17 |
| | Verbal | 95 |
| Personnel Division | | |
| | Control Hold | 1 |
| | Hands | 2 |
| | Verbal | 1 |

Special Investigations Division

| | |
|-----------------|---|
| Baton | 1 |
| Control Hold | 5 |
| Feet | 1 |
| Hands | 7 |
| Other object | 1 |
| Restraint Chair | 1 |
| Taser | 1 |
| Verbal | 5 |

Substations Division

| | |
|--------------|-----|
| Baton | 17 |
| Control Hold | 122 |
| Feet | 14 |
| Firearm | 4 |
| Hands | 78 |
| Other object | 6 |
| Pepper Spray | 20 |
| Taser | 30 |
| Vehicle | 2 |
| Verbal | 105 |

Report name: Uses-of-force by assignment of involved officer x type of force 5.0

Report run on: Jun 24, 2019 at 09:10 by ADMINISTRATIVE COORD. Amy Maxwell

Force by assignment of involved officers

Jan 01, 2017 - Dec 31, 2017

| Divisions | Type of force | Stat Count |
|--|-----------------------|------------|
| Downtown Services Division | | |
| | Baton | 1 |
| | Control Hold | 250 |
| | Feet | 22 |
| | Firearm | 3 |
| | Hands | 130 |
| | Other object | 26 |
| | Pepper Ball | 2 |
| | Pepper Spray | 11 |
| | Restraint Chair | 52 |
| | Stun Shield | 3 |
| | Taser | 26 |
| | Verbal | 159 |
| General Investigations Division | | |
| | Control Hold | 2 |
| | Hands | 1 |
| Investigations Division | | |
| | Control Hold | 1 |
| Patrol Division | | |
| | 37/40MM Impact Rounds | 2 |
| | Baton | 15 |
| | Carotid Restraint | 1 |
| | CN/CS Gas | 1 |
| | Collapsible Baton | 3 |
| | Control Hold | 72 |
| | Feet | 4 |
| | Hands | 59 |
| | K-9 | 32 |
| | Other object | 1 |
| | Pepper Spray | 19 |
| | Taser | 12 |
| | Verbal | 101 |

Personnel Division

| | |
|--------|---|
| Hands | 4 |
| Verbal | 1 |

Special Investigations Division

| | |
|--------------|---|
| Control Hold | 2 |
| Feet | 2 |
| Hands | 3 |
| Pepper Spray | 2 |
| Taser | 2 |
| Verbal | 3 |

Substations Division

| | |
|-------------------|----|
| Baton | 21 |
| Carotid Restraint | 1 |
| Collapsible Baton | 1 |
| Control Hold | 99 |
| Feet | 8 |
| Firearm | 1 |
| Hands | 55 |
| Other object | 6 |
| Pepper Spray | 18 |
| Taser | 25 |
| Vehicle | 2 |
| Verbal | 79 |

Support Services Division

| | |
|-------|---|
| Hands | 2 |
|-------|---|

Report name: Uses-of-force by assignment of involved officer x type of force 5.0

Report run on: Jun 24, 2019 at 09:10 by ADMINISTRATIVE COORD. Amy Maxwell

Force by assignment of involved officers

Jan 01, 2018 - Dec 31, 2018

| Divisions | Type of force | Stat Count |
|-----------------------------------|-----------------------|------------|
| Downtown Services Division | | |
| | Baton | 1 |
| | Carotid Restraint | 2 |
| | Control Hold | 296 |
| | Feet | 20 |
| | Hands | 175 |
| | Other object | 10 |
| | Pepper Spray | 18 |
| | Restraint Chair | 63 |
| | Stun Shield | 2 |
| | Taser | 14 |
| | Verbal | 100 |
| Investigations Division | | |
| | Baton | 2 |
| | Control Hold | 4 |
| | Feet | 3 |
| | Hands | 17 |
| | Other object | 2 |
| | Pepper Spray | 1 |
| | Taser | 3 |
| | Verbal | 19 |
| Patrol Division | | |
| | 37/40MM Impact Rounds | 2 |
| | Baton | 25 |
| | Carotid Restraint | 1 |
| | Collapsible Baton | 4 |
| | Control Hold | 117 |
| | Feet | 10 |
| | Firearm | 1 |
| | Hands | 84 |
| | K-9 | 27 |
| | Other object | 5 |
| | Pepper Spray | 17 |
| | Taser | 27 |
| | Verbal | 130 |

Personnel Division

| | |
|--------------|---|
| Control Hold | 1 |
| Hands | 2 |
| Verbal | 2 |

Substations Division

| | |
|-------------------|-----|
| Baton | 6 |
| Carotid Restraint | 4 |
| Collapsible Baton | 5 |
| Control Hold | 113 |
| Feet | 8 |
| Firearm | 1 |
| Hands | 90 |
| Other object | 11 |
| Pepper Spray | 12 |
| Restraint Chair | 1 |
| Taser | 20 |
| Vehicle | 1 |
| Verbal | 96 |

Support Services Division

| | |
|--------|---|
| Hands | 2 |
| Verbal | 1 |

Report name: Uses-of-force by assignment of involved officer x type of force 5.0

Report run on: Jun 24, 2019 at 09:11 by ADMINISTRATIVE COORD. Amy Maxwell